

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA §
§
vs. § NO: WA:19-CR-00244(1)-ADA
§
(1) LUIS HERVEY LOZANO-DUARTE §

ORDER ACCEPTING REPORT AND RECOMMENDATION .
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On November 21, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) LUIS HERVEY LOZANO-DUARTE, which alleged that Lozano-Duarte violated a condition of his supervised release and recommended that Lozano-Duarte's supervised release be revoked (Clerk's Document No. 52). A warrant issued and Lozano-Duarte was arrested. On May 27, 2025, Lozano-Duarte appeared before a United States Magistrate Judge, was ordered detained, and a waiver was signed waiving the preliminary hearing.

Lozano-Duarte appeared before the magistrate judge on May 27, 2025, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on May 28, 2025, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the

original offense and the intervening conduct of Lozano-Duarte, the magistrate judge recommends that this court revoke Lozano-Duarte supervised release and that Lozano-Duarte be sentenced to imprisonment for SEVEN (7) months, with no term supervised release to follow the term of imprisonment, and that he be given credit for the time in federal custody (Clerk's Document No. 62).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*). The parties in this cause were properly notified of the consequences of a failure to file objections.

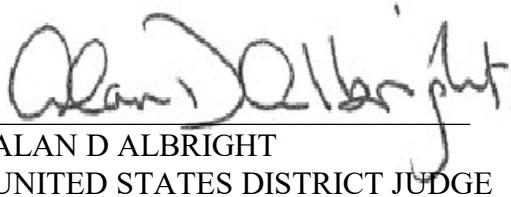
On May 27, 2025, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 61). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 62) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) LUIS HERVEY LOZANO-DUARTE's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) LUIS HERVEY LOZANO-DUARTE be imprisoned for SEVEN (7) months with no term of supervised release. The defendant shall be given credit for the time he has been in federal custody.

Signed this 28th day of May, 2025.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE